

CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 12/02/03

AGENDA ITEM 7

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Introduction of Ordinance to Adopt Revised Sanitary Sewer System Code

RECOMMENDATION:

It is recommended that the City Council introduce the attached ordinance pertaining to the Hayward Sanitary Sewer System.

DISCUSSION:

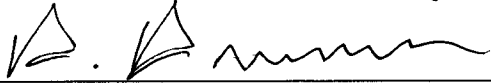
The Sanitary Sewer System chapter of the Municipal Code (referred to as the Sewer Code) governs the sewer collection and treatment services provided to customers by the City. Although periodic revisions and additions have been made to specific sections of the Sewer Code, it has not been comprehensively reviewed and revised in a number of years to ensure that the provisions are consistent with current practice and state and federal requirements for operating a public wastewater system. In order to bring the document up to date, staff has performed a complete review and is recommending adoption of a revised Sewer Code that incorporates a number of revisions to mainly update technical information, clarify language, and reflect practices and requirements that are currently in place.

Most notably, changes are made to the sections addressing the collection of sewer connection fees to purchase capacity in the City sewer system. In the current Code, there is a brief reference to the City's authority to collect sewer connection fees, the fund into which they are deposited, and the ability to make periodic payments if connection fees exceed a certain dollar amount. The proposed revisions clarify the provisions for collecting sewer connections fees, and add sections to indicate the circumstances under which connection fees are collected, how the fees are calculated, and sewer capacity rights and credits that result from payment of the fees. These sections do not impose new or increased fees, but rather clarifies the City's intention to require that sewer capacity for new discharge to the system be paid for in accordance with the demand it places on the system.

However, most customers will not be impacted by these proposed Sewer Code revisions, as they are intended to make it consistent with the City's current practices and legal requirements. For example the revised Sewer Code deletes sections pertaining to refunding

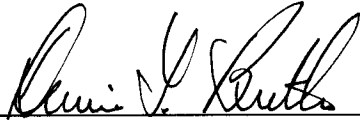
procedures for sewer main extensions because this process is now guided by the Local Improvement Benefit District Ordinance. The revised Code also adds language which authorizes the City to disconnect unpermitted connections to the public sewer system. Changes to sections related to the specifications for construction of sewer pipes serve to codify existing standards. Other revisions reflect updated titles, industry terminology, and minor procedural changes.

Prepared by:



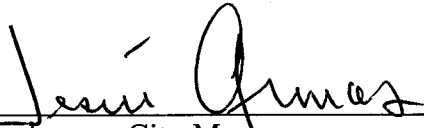
Alex Ameri, Deputy Director of Public Works

Recommended by:



Dennis L. Butler, Director of Public Works

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A: Revised Sanitary Sewer System Ordinance

ORDINANCE NO. _____

NH
11/25/03

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3 OF
THE HAYWARD MUNICIPAL CODE BY ADOPTING A
REVISED SANITARY SEWER SYSTEM CODE

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of
Hayward hereby ordains as follows:

Section 1: Chapter 11, Article 3 of the Hayward Municipal Code is hereby amended by
adopting a revised Sanitary Sewer System Code, to read in full as follows:

"ARTICLE 3

SANITARY SEWER SYSTEM

SEC. 11-3.000 DEFINITIONS. For the purposes of this Article, certain words
and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall
be apparent from the context that a different meaning is intended.

a) APPROVED BY THE CITY ENGINEER shall mean approval and acceptance
by the City Engineer as to material, workmanship and type of construction as the results of
investigations, inspections, or tests conducted by the City Engineer, or by reason of accepted
principles or tests by the United States Bureau of Standards, American Society for Testing
Materials, or other nationally recognized authorities.

b) BACKWATER VALVE shall mean any approved check valve or other
approved device to prevent the flow of sewage from the public sewer into the building.

c) BUILDING shall mean any structure erected for the support, shelter, and
enclosure of persons, animals, chattel or movable property of any kind.

d) BUILDING COURT shall mean two or more buildings containing four or
more dwelling units or two or more commercial and/or industrial buildings on premises or parcel
under one ownership and to remain under one ownership.

e) BUILDING COURT HOUSE SEWER shall mean the extension from the
building drain to the building court main sewer, and shall be located within the building lot
boundaries.

f) BUILDING COURT MAIN SEWER shall mean the extension from the
building court house sewer to a public sewer or other place of disposal.

g) BUILDING DRAIN shall mean House Drain.

h) BUILDING SEWER shall mean House Sewer.

i) CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter, expressed in parts per million by weight. CBOD concentrations shall be determined under standard analytical procedures specified in the publication "Standard Methods for the Examination of Water and Wastewater" jointly prepared and published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation and/or other alternate procedures specified and required by the United States Environmental Protection Agency and/or the State of California Environmental Protection Agency.

j) CESSPOOL shall mean an excavation in the ground which receives the discharge of a drainage system, or part thereof, so designed and constructed as to retain the organic matter and solids discharging therein but permitting the liquids to seep through the bottom and sides.

k) COMMERCIAL USER shall mean any retail store, restaurant, office building, laundry, and any other private business and service establishment and place of public assembly, including churches and lodges.

l) CUSTOMER shall mean any person(s), business, organization, or other agency that obtains sewer service from the City of Hayward.

m) DOMESTIC SEWAGE shall mean wastewater that is produced from non-commercial and non-industrial activities and that results from normal human living processes.

n) DRAINAGE SYSTEM, or DRAINAGE PIPING shall mean and include all the piping within public or private premises which conveys sewage, or other liquid wastes, to a point of disposal, but shall not include the mains, laterals, manholes, and pipe encasements of a public sewer system.

o) DWELLING UNIT shall mean a building or portion of a building arranged, intended or designed to be occupied by not more than one family, a congregate residence for 10 or fewer people, and having facilities for sleeping, eating, cooking and sanitary purposes, independent of another dwelling or dwellings.

p) GARBAGE shall mean a putrescible animal, fish, fowl, fruit, or vegetable refuse or any part thereof resulting from the preparation, storage, handling, processing or consumption of food.

q) GREASE INTERCEPTOR/TRAP shall mean a receptacle designed to collect and retain grease and fatty substances normally found in kitchen, food processing, or similar wastes.

r) HOUSE DRAIN, or BUILDING DRAIN or MAIN DRAIN shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet outside the building wall that faces the public sewer.

s) HOUSE SEWER, or BUILDING SEWER shall mean the extension from the house drain to the public sewer or other place of disposal, which is not less than two (2) feet from any building or structure foundation or footing that faces the public sewer.

t) INDUSTRIAL USER shall mean any non-residential user of the public sewer system that is identified in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, and amended and supplemented, under the following divisions: (a) Division A – Agriculture, Forestry and Fishing; (b) Division B – Mining; (c) Division D – Manufacturing; (d) Division E – Transportation, Communications, Electric, Gas, and Sanitary; and (e) Division I - Services.

u) INDUSTRIAL WASTES shall mean all types of waste which result from industrial and manufacturing operations. Such wastes are usually more concentrated, more varied in content and rate, and require more extensive or different treatment than domestic waste.

v) INSANITARY shall mean a condition which is contrary to sanitary principles or is injurious to health. Conditions to which the word "insanitary" shall apply include the following but shall not be limited thereto:

1. The discharge of sewage to the environment, except to an approved septic system, or to the soil without proper treatment.
2. Any opening in a drainage system, except where lawful, which would permit the escape of gases or sewage or would permit persons to make physical contact with the sewage.
3. Faulty septic tanks or drainfields permitting sewage to seep or stand on the surface of the ground or potentially contaminate an underground water system.
4. Any connection, cross-connection, construction or condition, temporary or permanent, between a potable water system and any source or system containing unapproved water, any amount of sewage, or any substance than is not or cannot be approved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other assemblies through which backflow could occur, shall be considered to be cross-connections.
5. The discharge of wastewater from swimming pools upon the ground.

w) LOT shall mean a single or individual parcel or area of land, legally recorded, on which is situated a building together with the yards, courts and unoccupied spaces legally required for the building and which is owned by or is in the lawful possession of the owner of the building.

x) MULTIPLE RESIDENTIAL LIVING UNIT shall mean a unit in a multiple residential structure of five or more living units with cooking facilities suitable for residential

occupancy by persons living together in each unit, including apartments and condominiums with over five units to a structure, and trailer spaces in a mobile home park.

y) MUNICIPAL SEWER SYSTEM shall mean all of the property, heretofore or hereafter constructed and/or owned by the City, involved in the collection and treatment of wastewater. It includes land, wastewater lines and appurtenances, pumping stations, treatment works and general property.

z) OUTSIDE SEWER shall mean sewer lines owned by the City lying outside the City limits.

aa) PREMISES shall mean any lot, piece or parcel of land, any building or other structure or any part of any building or structure used or useful for human habitation or gathering or for carrying on a business or occupation. Any other unit that can be separately owned, such as a condominium unit, shall also be considered one premises.

bb) PUBLIC SEWER shall mean any sewer which is part of the municipal sewer system, including any sewer main within any public street or sewer easement and any outside sewer.

cc) REGULATIONS shall mean the Wastewater Discharge Regulations of the City of Hayward or any amendments to or replacements thereof.

dd) SANITARY SEWER shall mean a sewer that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

ee) SEPTIC TANK shall mean a water-tight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge into the soil outside of the tank through a system of open joint piping, or a seepage pit meeting the requirements of this Code.

ff) SEWAGE or SANITARY SEWAGE shall mean the spent or used water, containing dissolved and suspended matter, of a domestic, commercial or industrial facility; also known as wastewater.

gg) SEWER shall mean a pipe or conduit for carrying sewage, but shall not include house drain, or plumbing within the house.

hh) SEWER SERVICE shall mean the services and facilities, furnished or available to premises by the municipal sewer system, for collection, treatment and disposal of sewage.

ii) SEWAGE WORKS shall mean all facilities for collecting, pumping, treating, and disposing of sewage. Sewage Works shall mean Sewerage Works.

jj) SEWER CAPACITY RIGHTS shall mean the flow (in gallons per day), CBOD (in pounds per year), and suspended solids (in pounds per year) of sewage that a customer is entitled to discharge from each connection on an average daily basis. Such rights shall be purchased by payment of sewer capacity fees at the time of connection to the public sewer system or when additional capacity is needed to serve the user.

kk) SEWER CONNECTION FEES shall be monies paid by applicant to purchase capacity in the City's sewer system. Fees shall be paid to: (a) buy in to existing public sewer system facilities; and (b) fund the future construction of facilities needed for development. The sewer capacity fee paid represents the proportion of the existing system that will be used by the new customer and the proportion of costs of future projects that will be needed to serve the new customer.

ll) SEWER CONTRACTOR shall mean a contractor holding a valid business license to do sewer work in the City of Hayward.

mm) SEWER SERVICE CHARGE shall mean the use-based charge to customers for the costs of operating and maintaining the sewer collection and treatment system, including replacement. Sewer service charges shall take into account the demands placed on the system by users groups. Charges levied to commercial and industrial users may also include cost of activities related to monitoring and sampling wastewater discharge.

nn) STANDARD RESIDENTIAL LIVING UNIT shall mean any detached premise or a unit in a multiple residential structure of two to four living units with cooking facilities suitable for residential occupancy by any number of persons living together as a single family; including single family homes, duplexes, triplexes, fourplexes, and individual units of townhouses, planned developments and condominiums up to and including four units.

oo) STORMWATER shall mean stormwater runoff and surface runoff and drainage; also known as storm sewage.

pp) STORM SEWER or STORM DRAINS shall mean a pipe which carries stormwater and drainage but excludes sanitary sewage and polluted industrial wastes.

qq) SUSPENDED SOLIDS (SS) shall mean solids that either float on the surface of, or are in suspension in, wastewater or other liquids and which are removable by laboratory filtering, expressed in parts per million by weight. SS concentrations shall be determined under standard analytical procedures specified in the publication "Standard Methods for the Examination of Water and Wastewater" jointly prepared and published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation and/or other alternate procedures specified and required by the United States Environmental Protection Agency and/or the State of California Environmental Protection Agency.

rr) WATER POLLUTION CONTROL FACILITY shall mean an arrangement of devices and structures for treating wastewater and industrial wastes. Also known as sewage treatment plant or wastewater treatment plant.

ENFORCEMENT

SEC. 11-3.100 OFFICERS RESPONSIBLE. The Director of Public Works shall be responsible for enforcing the provisions of this Article which pertain to:

- (a) Use of public sewers;
- (b) Connection of private house sewers to public sewers;
- (c) House sewers which connect to public sewers.

The Health Officer of Alameda County shall be responsible for the enforcement of provisions which pertain to the correction or abatement of insanitary conditions which present an immediate hazard to life and health.

SEC. 11-3.101 RIGHT OF ENTRY. The aforesaid officers and their authorized agents shall have the right of entry, during usual business hours, and at any time when, upon reasonable cause, they believe there is an immediate hazard to life, health, or property, to inspect any and all buildings and premises in the performance of their duties.

SEC. 11-3.102 DANGEROUS AND INSANITARY CONDITION. Whenever any construction or condition regulated by this Article is deemed by the responsible officer to be dangerous, unsafe, insanitary or a menace to life, health or property or is in violation hereof, the responsible officer shall order any person using or maintaining any such condition or responsible for the use or maintenance thereof to discontinue the use of or maintenance thereof or to repair, alter, change, remove or demolish same as the officer may consider necessary for the proper protection of life, health or property.

Every such order shall be in writing, addressed to the owner, agent or person responsible for the premises in which such condition exists and shall specify the date or time when such order shall be complied with, which time shall allow a reasonable period in which such order can be complied with by the person receiving such order but shall never exceed the maximum period for which such construction can be safely used or maintained in the judgment of said officer. Refusal, failure or neglect to comply with any such notice or order shall be considered a violation of this Article.

SEC. 11-3.103 DANGEROUS AND INSANITARY CONDITION.
DECLARED A PUBLIC NUISANCE. The existence of any construction or condition of plumbing or sewers on any premises within the City of Hayward which is found to be dangerous, unsafe, insanitary, or a menace to life, health, or property and a hazard thereto is hereby declared to be a public nuisance and shall be corrected or abated as hereinafter provided. Without limiting the foregoing declaration, a public nuisance is hereby declared to include any sewer or plumbing or other construction or contrivance from which sanitary sewage or gases or moisture therefrom is emitted or escapes in quantity sufficient to or to threaten to pollute the air or soil so as to attract or proliferate insects or rodents or to spread disease or to contaminate water supplies or to otherwise endanger the life or health of persons or domestic animals or livestock.

SEC. 11-3.104 ABATEMENT. In the event the Health Officer of Alameda County determines, or, upon reasonable cause, believes, that the hazard to life, health, or property is so immediate and urgent that time does not permit the giving of notice, the Health Officer of Alameda County shall forthwith cause said public nuisance to be abated or corrected. The work of abatement or correction may be done by employment of a contractor, or by City forces, in the discretion of the responsible official, and the official may call upon the Department of Public Works or other department of the City to perform such work.

If the City of Hayward determines that the provision of water service to any premises served by the Hayward Municipal Water System is facilitating the continuation of any dangerous and insanitary condition or facilitating the continuing discharge of wastewater from the building drain system to the stormwater collection system or ground surface, the City may temporarily suspend water service to such premises until said conditions are corrected.

The costs thereof shall be a charge upon and paid from the Sewer fund and thereafter recovered through the procedures set forth in the following sections.

SEC. 11-3.105 HEARING ON ABATEMENT COSTS. Upon correcting or abating any public nuisance as heretofore provided, the responsible officer shall file a written report with the City Clerk, together with any supplementary reports the officer may desire to file, and a brief report on said abatement or correction itemizing the costs of said abatement or costs. The City Clerk shall then set the matter of confirmation of the abatement and costs thereof and assessment of the costs upon the parcel or parcels of real property upon which said public nuisance was located for hearing before the City Council at a regular meeting not later than thirty (30) days after receipt of said reports and shall cause notice thereof to be given as hereinafter provided. Notice of said hearing shall be in writing and shall describe the real property by reference to the street and street number address or other commonly used designation and also by reference to the County Assessor's description on the last equalized assessment roll, shall state the time, date, and place of hearing, and shall refer to the reports on file with the Clerk for further particulars. Notice shall be delivered personally or sent by ordinary mail addressed to the owner at his address as shown on the last equalized assessment roll or as otherwise known to the Clerk, and shall also be posted on a conspicuous place upon the front of said premises. Service of notice by mail shall be deemed completed upon deposit in the mail. Notice shall be given at least ten (10) days prior to said hearing.

SEC. 11-3.106 CONFIRMATION OF COSTS. At the time and place fixed for hearing the City Council shall consider the reports filed with the Clerk and such evidence as may be presented by any interested party and shall hear the objections of any owner of said real property. The hearing may be continued from time to time. Upon conclusion of the hearing the City Council shall confirm, modify, or disapprove the abatement proceedings and the costs thereof. Upon confirmation, the costs of abatement constitute a special assessment against said real property and a lien thereon and a personal obligation against the property owner.

SEC. 11-3.107 COLLECTION OF ASSESSMENT. After confirmation of the costs of abatement and their assessment upon said real property, the Director of Finance shall promptly mail a statement of the costs to the property owner at the address to which notice of the hearing before the City Council was sent by the City Clerk, or as otherwise known to the Director of Finance. Failure to mail the statement or failure to receive it shall in no way affect the assessment, lien, or obligation. If the assessment is not paid within fifteen (15) days after its

confirmation, the Director of Finance may record a notice of lien in the Office of the County Recorder of the County of Alameda a certificate substantially in the following form, to-wit:

NOTICE OF LIEN

Pursuant to authority of Chapter 11, Article 3 of the Municipal Code of the City of Hayward, the City of Hayward, a municipal corporation, located in Alameda County, State of California, did cause a certain public nuisance located on the hereinafter described real property to be abated, and thereafter, on the ____ day of _____, 2 ____, did assess the costs thereof, in the amount of \$____, and impose said costs as a lien against said real property. The said amount of costs has not been paid nor any part thereof, and the City of Hayward does hereby claim a lien upon said real property in said amount. The same shall continue as an assessment and lien upon said real property until said amount with interest at the rate of six percent (6%) per annum thereon from the date of recordation of this instrument in the Office of the County Recorder of the County of Alameda has been paid in full.

The real property hereinabove mentioned and upon which a lien is claimed is that certain piece or parcel of land in the City of Hayward, County of Alameda, State of California, described as follows, to-wit:

(DESCRIPTION)

Dated this ____ day of _____, 2 ____ _

CITY OF HAYWARD
a municipal corporation

By _____
Director of Finance

As an alternative to or in addition to recordation of a notice of lien as hereinabove set forth, the Director of Finance may deliver a notice of lien, which shall also describe said real property by the descriptions used by the County Assessor for the same property for the then current tax year, to the Auditor of Alameda County who shall enter the amount of the assessment and lien on the county assessment roll opposite said real property as listed therein. The amount of the assessment and lien shall be collected at the same time and in the same manner as other taxes and assessments against said property. All laws applicable to the levy, collection, and enforcement of City taxes and County taxes are hereby made applicable to such assessment and lien.

RESPONSIBILITY OF CONTRACTORS

SEC. 11-3.150 GENERAL REQUIREMENTS BEFORE INSTALLING SEWERS. It shall be unlawful for any person to carry on, or engage in the business of installing sewers unless such person holds a valid business license issued by the City of Hayward, as a Sewer Contractor. The installation of sewers as defined herein shall not be classed as plumbing.

GENERAL REGULATIONS

GENERAL INSTRUCTIONS AND REQUIREMENTS

SEC. 11-3.200 SEPTIC TANK. UNLAWFUL USE. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

SEC. 11-3.201 DUTY TO CONNECT TO MUNICIPAL SEWER. The owner of any property used for human occupancy, employment, recreation, or other purpose, which abuts on any street, alley or right of way in which there is located a public sanitary sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with said public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so provided that said public sewer is within two hundred (200) feet of the property line, except that any owner receiving such notice may apply in writing to the City Manager before expiration of said ninety (90) day period for a permit to delay the installation of such a sewer service not to exceed one (1) year if the owner can furnish sufficient evidence to the City Manager that:

- (a) Connection to the sewer at this time would be impractical due to personal hardship; and
- (b) The premises are now served by a septic tank; and
- (c) By written report of the Alameda County Department of Environment Health, the septic tank is operating efficiently now and that its continued operation would not create a hazard to public health.

Upon receipt of such evidence to the City Manager's satisfaction, the said extension of time for completing the connection may be granted in writing. Such a delay shall not be subject to further extensions.

SEC. 11-3.202 SEPTIC TANK CONSTRUCTION. When permitted, the house sewer or private sewer shall be connected to a private sewage disposal system. Such private sewage disposal system shall be designed, constructed, operated and maintained in accordance with requirements of the Alameda County Department of Environmental Health and shall be approved by the City Engineer. There shall be no expense to the City for the operation and maintenance of private sewage disposal facilities.

When, in the opinion of the Alameda County Department of Environmental Health, there is insufficient lot area or inadequate soil condition for adequate sewage disposal for the building or land use proposed, no building permit shall be issued and no private sewage disposal system shall be permitted. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 40,000 square feet or where there is an available public sewer within 200 feet, measured along streets, alleys, or public right-of-way upon which a lot abuts. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet.

CONSTRUCTION PERMIT PROCEDURES

SEC. 11-3.250 CONSTRUCTION PERMIT REQUIRED. No person whose premises are not now connected with the municipal sewer system shall connect any premises or cause any premises to be connected with the municipal sewer system without first obtaining a construction permit from the City Engineer to do so.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written construction permit approved by the City Engineer.

SEC. 11-3.251 APPLICATION FOR CONSTRUCTION PERMIT. Every applicant for a construction permit to install, add to, alter, relocate, or replace sewerage facilities, or any part thereof, shall state in writing on the application form provided for that purpose, the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The City Engineer may require plans, specifications, or drawings and other such information as deemed necessary.

At the time that a construction permit is issued, the applicant shall pay the established permit fee.

Any person who shall commence sewerage work for which a construction permit is required by this Article without first having obtained a construction permit therefor shall, if subsequently permitted to obtain a construction permit, pay double the construction permit fee fixed by this Article for such work. This provision shall not apply to emergency work when it shall be proved to the satisfaction of the City Engineer that such work was urgently necessary and that it was not practical to obtain a construction permit therefor before the commencement of work. In all such cases a construction permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such construction permit, a double fee as herein provided shall be charged.

SEC. 11-3.252 TO WHOM CONSTRUCTION PERMITS MAY BE ISSUED. No construction permit shall be issued to any person to do, or cause to be done, any construction or work regulated by this Article except to a person holding a valid, unexpired and unrevoked City business license as a sewer contractor, except when and as otherwise herein provided.

A construction permit required by this Article may be issued to any person to do any construction or work regulated by this Article within the lot limits of a single family dwelling provided such person is the owner of the lot and building, such building is occupied or designed to be occupied by the owner, and that said owner shall personally purchase all materials and shall personally perform all labor in connection therewith. This does not give anyone other than a licensed contractor permission to do any work within the public right of way.

No sewerage work for which a construction permit is required shall be commenced until a construction permit to do such work shall have first been obtained.

SEC. 11-3.253 UNLAWFUL ACTS UNDER CONSTRUCTION PERMIT. The issuance or granting of a construction permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions

of this Article. No construction permit presuming to give authority to violate or cancel the provisions of this Article shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a construction permit shall not prevent the City Engineer from thereafter requiring the submittal of additional plans and specifications or correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Article or of any other regulations of the City.

SEC. 11-3.254 EXPIRATION OF CONSTRUCTION PERMIT. Every construction permit issued by the City Engineer under the provisions of this Article shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of such permit, or if the work authorized by such construction permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new construction permit shall first be obtained so to do.

SEC. 11-3.255 SEWER SYSTEM CONNECTION FEES

- (a) Authority to Assess Connection Fees. Any customer (new or existing) of the municipal sanitary sewer system who installs new or additional fixtures, processes, or equipment, or otherwise causes an increase in wastewater discharge into the City sewer, is required to pay to the City a sewer connection fee. No connection shall be made to the sewer system, and no increase in wastewater discharge strength or volume shall occur from an existing connection, until the City has approved such discharge and applicable sewer connection fee has been paid. Fees shall be paid in accordance with the following:

Residential Users: One standard residential connection fee shall be assessed for each new single family, duplex, triplex or fourplex living unit. One multi-family residential sewer connection fee shall be assessed for each unit in a multiple-family building (that is, a building with five or more dwelling units) and each mobile home living unit.

Commercial, Industrial, Institutional and Other Users: The sewer connection fee will be calculated in accordance with the number of gallons of daily capacity required to serve the customer and the pounds per year of carbonaceous biochemical oxygen demand (CBOD) and suspended solids (SS) in the proposed discharge.

Sewer Connection Fees shall be adopted by resolution of the Hayward City Council.

- (b) Minimum Connection Fee. The minimum sewer connection fee for commercial, industrial, institutional properties will be no less than that of a single family dwelling unit.

- (c) Sewer Connection Fee Credits. In determining sewer connection fees for a facility, the City shall credit applicants with the capacity previously paid for and purchased for the property. If documentation is not available regarding purchased capacity, the City shall determine the likely purchased capacity. No other credit shall be granted.
- (d) Additional Connection Fees for Existing Customers. In the event that average discharge volume or waste strength from a non-residential customer is higher than the estimated volume or strength on which the original sewer capacity fee was based, or there is an increase in discharge, the City of Hayward may, at its sole discretion: 1) assess additional sewer connection fees if sufficient sewer system capacity is available; or 2) require the user to reduce its discharge to volume and strength within its authorized discharge. Additional connection fees will be calculated at the rates in effect at the time that additional capacity is purchased.
- (e) Existing Uses Not Subject to Payment of Sewer Connection Fees. Existing sewer uses, "grandfathered" prior to 1996, shall not be subject to payment of sewer connection fees as long as the following conditions are met:
 - 1. The property boundaries are not expanded; and
 - 2. The use of the property does not change; and
 - 3. 50% or more of the ownership remains the same; and
 - 4. The volume and waste strength of discharge from the property does not increase.
- (f) Connection Fee Nonrefundable. All sewer connection fees as herein provided are non-refundable. Exceptions may be made if, within one year of payment of sewer connection fees, the average discharge volume or waste strength from a non-residential user is significantly lower than the estimated volume or strength on which a sewer connection fee was based. Wastewater discharge from properties for which refunds have been granted will be limited to the volume and/or waste strength as adjusted after the refund has been made. Such refunds must be requested by the payer of the sewer connection fee, and are subject to approval by the City. In the event that a refund is granted, any subsequent increase in discharge from the facility will be subject to the City's review and approval in accordance with d. above.
- (g) Payment Schedule. Sewer connection fees in excess of Twenty Five Thousand Dollars (\$25,000) may be made in monthly payments, over a term not to exceed thirty-six months, with interest, subject to the determination and approval of the City Manager.
- (h) Sewer Capital Improvement Fund. All revenues derived from Sewer System connection fees shall be deposited in a special fund titled "Sewer Capital Improvement Fund" and used only for sewer system purposes authorized in that Fund.

- (i) Capacity Rights and Transferability. Sewer system capacity rights and the right to connect to the public sewer shall run with the property and shall not be transferred to, or used for any property other than the property for which sewer connection fees were paid, unless the City Manager specifically authorizes such a transfer.

SEC. 11-3.256 CONSTRUCTION PERMIT FEES. Construction permit fees shall be as specified from time to time by resolution of the Hayward City Council.

SEC. 11-3.257 ALL WORK TO BE INSPECTED. All pipes, fittings and other appurtenances relative to a sewerage system shall be inspected by the City Engineer to insure compliance with all the requirements of this Article.

SEC. 11-3.258 NOTIFICATION. It shall be the duty of the person doing the work authorized by the permit, to notify the City Engineer orally or in writing, that said work is ready for inspection. Such notification shall be given not less than forty-eight (48) working hours before the work is to be inspected (Saturdays, Sundays and holidays excluded).

It shall be the duty of the person doing the work authorized by the permit to make sure that the work will stand the test prescribed before giving the above notification.

SEC. 11-3.259 TESTS. Upon completion of the work, the City Engineer may require the house sewer to be subjected to appropriate tests, such as a water test or video test/inspection. The pressure for a water test shall be that imposed by a five foot head of water. The house sewer shall be plugged before test at a point just before conversion is made to public sewer or place of disposal. Under test the water pressure shall remain constant for not less than fifteen (15) minutes without any further addition of water or indication of leaks.

The video camera and recording equipment used for video testing shall be suitable for the intended purpose and shall be equipment that is in common use at the time of the test. A complete and continuous taped record and written log of the inspection shall be made. The taped record shall be of such quality as to provide a clear, sharp image when played back on a conventional television set. The taped record shall conform to the Owner's video recorder requirements. The image shall show sufficient detail to determine cracks in the pipe, offset joints, leaking joints, and other flaws in the installation of the sewer main. The video taping shall be done with no flow in the sewer.

SEC. 11-3.260 MATERIALS AND LABOR FOR TEST. The equipment, material, power or labor necessary for the inspection and test, shall be furnished by the person doing the work authorized by the permit. All video taping shall be done in the presence of a City of Hayward engineer or construction inspector. Upon completion of the video taping, the tape shall be replayed for the City of Hayward engineer or construction inspector. Any tapes not meeting the quality standards stated in Section 11-3.259 will be rejected and the taping process repeated.

SEC. 11-3.261 EXCAVATIONS. All excavations required to be made for the installation of a sewerage system, or part thereof, within or without a building shall be kept open until the piping has been tested, inspected and approved.

If any sewerage system or part thereof is covered or concealed before being regularly inspected, tested and approved, as herein prescribed, it shall be exposed upon the direction of the City Engineer.

All excavations shall be backfilled in accordance with the requirements of Section 35 of the City of Hayward STANDARD SPECIFICATIONS AND STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION adopted by City Council in 1966 and as subsequently revised by City Council.

QUALITY AND WEIGHT OF MATERIALS

SEC. 11-3.300 MINIMUM STANDARDS. All materials used and all joints made in or entering into the construction of sewerage systems or parts thereof shall be watertight and free from defects. The materials and joints specified in this Code are the minimum approved standards that shall be used. All materials used shall be of adequate strength and durability and of such design as to provide a substantial watertight system free from irregularities in flow lines.

SEC. 11-3.301 MARKINGS. Each length of ductile iron soil pipe and each ductile iron fitting used in a sewerage system shall be stamped or indelibly marked with the weight or grade thereof and the maker's mark or name.

SEC. 11-3.302 VITRIFIED CLAY PIPE AND FITTINGS. Vitrified clay pipe and fittings shall meet the minimum requirements of the current specifications for Extra Strength Unglazed Clay Pipe of the American Society for Testing Materials, Designation: A74-66 or the United States Department of Commerce Standard for Service Weight Cast Iron Soil Pipe and Fittings, Designation Commercial Standard DS188-66 as amended.

SEC. 11-3.303 POLYVINYL CHLORIDE (PVC) PIPE. Pipe, fittings, couplings, and joints shall meet the minimum requirements of ASTM Designation D3034 as they apply to type SDR-26 PVC pipe.

SEC. 11-3.304 DUCTILE IRON PIPE (DIP) AND FITTINGS. All ductile iron pipe shall meet the minimum requirement of ANSI Standard A 21.50 and A 21.51 (AWWA C150 and C151), and shall be polyethylene lined and seal-coated in conformance with the requirements of ANSI Standard A 21.4 (AWWA C104). Thickness Class shall be Number 50 for 6-inch through 36-inch diameter pipe, and Number 51 for four-inch and smaller diameter pipe. The pipe shall be wrapped with black 8-mil-thick polyethylene conforming to the requirements of AWWA C105."

The outside coating shall be minimum of 1 mil bituminous paint according to ANSI/AWWA C151/A21.51 Section 51-8.1. Prior to lining, the exterior and interior of the spigot end, including the spigot face, shall be coated with a minimum of 8 mils of epoxy.

Before lining the inside of the socket, including a portion of the gasket cavity and a portion of the pipe barrel shall be coated with a minimum of 8 mils of epoxy.

Fittings shall be ductile iron, at least Class 54 thickness, and in accordance with the requirements of either ANSI/AWWA C153/A21.53 or ANSI/AWWA C110/A21.10. Mechanical joints shall conform to ANSI/AWWA C111/A21.11.

SEC. 11-3.305 HIGH DENSITY POLYETHYLENE (HDPE) PIPES AND FITTINGS (for Trenchless Pipe Replacement/Enlargement). HDPE shall be SDR-17 or lower Extra High Molecular Weight, High Density Polyethylene PE 3408, Type III, Grade P34, Cell Class PE345434C, D, or E (inner wall shall be light in color). All pipe and fittings shall conform to ASTM D3350 and ASTM F714-85. Certification shall be signed by an authorized agent of the manufacturer. A report of test results shall be furnished if requested by the City. The date that the pipe was manufactured shall be included in the certification.

All pipe and fitting materials shall meet the requirements for Type III, Class B, Category 5, Grade P34 material as described in ASTM D1248. The pipe shall contain no recycled compound except that generated in the manufacturer's own plant from resin of the same specification from the same raw material pipe. Pipe and fittings shall be homogeneous throughout and free of: 1) serious abrasion, cutting or gouging of the outside surface extending to more than 10 percent of the wall thickness in depth; 2) visible cracks; 3) kinking caused by excessive or abrupt bending; 4) flattening; 5) holes; 6) blisters; and 7) foreign inclusions or other injurious defects. They shall be uniform in color, opacity, density, and other physical properties. The average outside and wall thickness of pipe and fittings shall be in accordance with ASTM D2122.

SEC. 11-3.306 CLEANOUT FITTINGS. Each cleanout shall consist of a wye of the same material as the building sewer in which it is installed and fitted with a watertight removal plug of the same material as the building sewer pipe. Each cleanout shall extend a minimum of three (3) inches above grade and shall consist of an extension of ductile iron soil pipe from the cleanout wye to the ground surface and fitted with a ductile iron ferrule and a brass plug.

SEC. 11-3.307 BACKWATER AND GATE VALVES. Backwater valves shall have cast iron bodies, with bearing parts of non-corrosive metal or material, be so constructed as to insure a positive mechanical seal and remain closed except when discharging wastes. Backwater valves shall be so designed as to not cause a restriction of flow or deposit of solids. Valve access-cover shall be installed in an approved manner so as to be readily accessible at all times.

Gate valves, when used on drainage work, shall be fullway type with working parts of non-corrosive metal. Sizes four (4) inches or more in diameter shall have cast iron bodies, and sizes of less than four (4) inches, cast iron or brass bodies.

SEC. 11-3.308 APPROVED MATERIALS AND METHODS. Repairs to sewerage systems shall be made with such materials and by such methods as is provided for by this Article for new work, insofar as it is practical so to do.

SEC. 11-3.309 WORKMANSHIP. All workmanship shall be of such character as to fully secure the results sought to be obtained in all sections of this Code.

SEC. 11-3.310 PROTECTION OF MATERIALS. All pipes passing under or through walls, shall be protected from breakage. All pipes passing through or under cinders, concrete, or other corrosive materials, shall be protected from external corrosion in an approved manner.

SEC. 11-3.311 NEW MATERIALS AND METHODS OF CONSTRUCTION. The provisions of this Article are not intended to prevent the use of any material or any method of construction not specifically prescribed herein, provided any such alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate provided it is found that the proposed design is satisfactory and complies with the intent of this Article, and that the material or method of work offered is for the purpose intended, at least the equivalent of that here prescribed in quality, strength, effectiveness, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the sufficiency of any such proposed material or type of construction.

BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWER

SEC. 11-3.350 BUILDING COURT MAIN SEWER. A building court main sewer shall be not less than eight inches in diameter and shall be laid at uniform grade and in straight alignment; a standard manhole shall be installed at the end of all building court mains.

A building court main serving not more than ten dwelling units or the equivalent shall be connected to the public sewer at a wye branch and may be laid at a minimum slope of .006 feet per foot. Manholes shall be installed per City Standard Details.

A building court main serving more than ten dwelling units or the equivalent may be laid at a minimum slope of .004 feet per foot. Manholes shall be installed in the following locations:

1. At the connection to the public sewer;
2. At any change in direction or grade; and
3. At intervals not to exceed 400 feet.

Two sets of drawings prepared by a Registered Civil Engineer showing plan and profile of the proposed installation shall be submitted for approval. Grades for building court main sewers shall be staked by a Licensed Land Surveyor or Registered Civil Engineer, authorized to practice land surveying in the State of California, in accordance with the approved drawings.

Building court house sewers shall meet the requirements for house sewers.

SEC. 11-3.351 SEPARATE SEWERS. A separate and independent building sewer shall be provided for every building with the following exceptions:

1. Where there is a building in the rear of a lot and there is to be an additional building built directly in front of said building, then the same building

sewer may serve both buildings. The same rule shall apply where the conditions are reversed and the front building is built first, or where both buildings are built at the same time.

2. Where two single-family dwellings are on the same parcel and the frontage of said parcel does not exceed seventy-five (75) feet, separate connections are not required.
3. A group of buildings constituting a building court by definition may be connected to a building court main sewer.
4. The City Council (as to a preliminary plan for a planned development) or the City Council, the Planning Commission, or the Director of Public Works (in case of a subdivision map), may approve the use or installation of either a building court main or sewer lateral which serves buildings on separate parcels if findings are made pursuant to subsection (a) or (b) and the applicant complies with the requirements of subsection (c).
 - (a) It is determined that it is either financially or otherwise disadvantageous for the City to maintain such sewer as a public sewer; or
 - (b) In the case of an existing sewer lateral or building court main, it is uneconomical to alter the existing plumbing on the parcel(s) to provide for separate sewer lateral connections into a public sewer main due to topographical or other engineering considerations.
 - (c) An easement appurtenant, declaration of covenants, or other instrument satisfactory to the Director of Public Works and City Attorney shall be recorded. Such instrument shall contain the following provisions:
 - (i) A description of the private building court main or private sewer lateral(s);
 - (ii) Mutual access easements or covenants describing the maintenance and repair obligations of the owners of the affected parcels; and
 - (iii) Indicating that any maintenance related work on the subject building court main or private sewer lateral(s) which may be performed by the City shall be payable by the affected property owner(s). Any unpaid amounts may be collected or recorded as a lien against such properties in accordance with Section 11-3.107 which is hereby incorporated by reference.

SEC. 11-3.352 INDUSTRIAL SEWERS.

- (a) All building sewers henceforth installed to serve buildings located in any industrial areas in the City, such as Industrial (I) Zoned Districts or Limited Industrial (LI) Zoned Districts, shall be provided with approved-design monitoring access structures or alternate access approved by the Director of Public Works;
- (b) Notwithstanding the provisions of Section 11-3.351, a separate building sewer, including approved-design monitoring access, shall be provided for any user which discharges industrial wastewater of any quantity or description or any combination of industrial wastewater and domestic wastewater. The separate sewer must enable the discrete monitoring of the discharge for the purpose of determining compliance with Appendix A, Wastewater Discharge Regulations, or provisions of federal law and must enable the discrete termination of sewer service in the event that this becomes necessary as provided in the regulations;
- (c) Monitoring access structures required under this section shall be maintained by the building owners and/or lessee in safe and usable conditions at all times.

SEC. 11-3.353 USE OF EXISTING SEWERS. Old building sewers may be used in connection with new buildings only when it has been tested in accordance with Sec. 11-3.259 and determined by the City Engineer to meet all requirements of this Article.

SEC. 11-3.354 BUILDING SEWER. The building sewer shall be vitrified clay sewer pipe, polyvinyl chloride pipe, or, in special circumstances, lined ductile iron pipe or other suitable material approved by the City Engineer. Joints shall be tight and water proof. Water service pipes or any underground water pipes shall not be run or laid in the same trench with building sewer or drainage piping, except as provided in this section. The water service pipe may be placed in the same trench with such building drain and building sewer, provided both of the following conditions are met:

- 1. The bottom of the water service pipe, at all points, shall be at least 12 inches above the top of the sewer line; and
- 2. The water service pipe shall be placed on a solid shelf excavated at one side of the common trench.

Lined ductile iron, polyvinyl chloride pipe, or other suitable pipes may be required by the City Engineer due to special circumstances, such as the building sewer being exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of lined ductile iron pipe.

SEC. 11-3.355 SIZE AND SLOPE - BUILDING SEWER. The size and slope of the building sewer shall be subject to the approval of the City Engineer and the size shall be not less than that at the house drain and in no event shall the diameter be less than four (4) inches. The slope of such 4-inch pipe shall be not less than one-quarter (1/4) inch per foot. If the slope

must be less than one-quarter (1/4) inch per foot, the building sewer must be not less than six (6) inches in diameter. The slope of such 6-inch pipe shall be not less than one-eighth (1/8) inch per foot.

SEC. 11-3.356 ELEVATION - BUILDING SEWER. Whenever possible the building sewer shall be brought to the building at an elevation below the lowest floor being served. No building sewer shall be laid parallel and within the soil bearing area of the footing of any bearing wall which might be weakened thereby. The depth shall be sufficient to afford a minimum of thirty (30) inch cover for non-metallic pipe. The building sewer shall be laid at uniform grade and in straight alignment. Where direct alignment is not practical, one change in alignment not to exceed 22-1/2 degrees may be made in the portion of the house sewer within the lot boundaries. Approved curved pipe and fittings shall be used. Any additional change in alignment shall be served by a cleanout.

SEC. 11-3.357 SEWAGE LIFT. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved electromechanical means and discharged to the building's sewer.

SEC. 11-3.358 JOINTS AND CONNECTIONS. All joints and connection shall be made gas-tight and water-tight.

Joints in vitrified clay pipe shall be of the flexible compression type meeting the minimum requirements of the current specification of the American Society for Testing Materials, Designation: C425-66T, as currently amended.

Joints in polyvinyl chloride pipe shall be of the mechanical compression type using an elastomeric gasket joint, furnished with the pipe by the pipe manufacturer.

Couplings connecting dissimilar pipe shall be of the mechanical compression type, such as "band seal," "calder," "ceramic-weld," or approved equal.

Cement joints will not be permitted. Other jointing materials and methods may be used only on approval of the City Engineer.

SEC. 11-3.359 BUILDING SEWER CONNECTION TO PUBLIC SEWER.
The connection of the building sewer into the public sewer shall be made in the following manner:

If the diameter of the building sewer is equal to the diameter of the public sewer, connection shall be made at a wye branch in the public sewer at a location specified by the City Engineer.

When the diameter of the building sewer is less than the diameter of the public sewer and no properly located wye branch is available, a neat hole may be cut into the public sewer to receive the building sewer and shall be fitted with a special saddle connection. The saddle connection shall be equipped with complete annular shoulder to prevent it from slipping into the public sewer; it shall protrude into the wall, but shall not exceed past the inner surface of the public sewer. The saddle adapter shall be securely fastened in place by a minimum of four (4) complete turns of 10 gauge galvanized iron or copper wire wrapped entirely around the

saddle and the public sewer. A smooth neat joint shall be made and the annular space between the spigot of the saddle and the edges of the hole in the public sewer shall be filled with cement mortar, and the entire connection made secure and watertight by encasement in concrete.

Other special fittings may be used for connection only when approved by the City Engineer.

The top of pipe of the building sewer at the point of connection shall be at the same or at a higher elevation than the top of pipe of the public sewer.

EXCEPTION. Interceptor sewers of reinforced concrete pipe eighteen (18) inches or larger in diameter may not have direct connections. The building sewer shall then be connected to an eight (8) inch main laid parallel to the interceptor and connected at the nearest manhole.

The portion of the building sewer in the street shall be at right angles to the right of way lines and at least three (3) feet below the curb grade. Provided that when it is necessary to install a building sewer in the street less than three (3) feet below the curb grade, the same must be covered with at least six (6) inches of concrete to protect the same from breakage, or shall be of cast iron pipe.

The applicant for the building sewer permit shall notify the City Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Engineer.

SEC. 11-3.360 BUILDING SEWER MAINTENANCE. Maintenance of the building sewer shall be the responsibility of the owner of the property served.

SEC. 11-3.361 CLEANOUTS. Cleanouts shall be placed in every building sewer at the connection with the building drain and shall be installed at uniform intervals not to exceed one hundred (100) feet.

SEC. 11-3.362 BACK WATER PROTECTION. If the lowest fixture or outlet in any building is below the rim elevation of the nearest manhole, cleanout, or riser upstream from the connection to the public sewer, a backwater valve or overflow device of an approved type shall be installed in the building sewer.

USE OF PUBLIC SEWERS

SEC. 11-3.400 WASTEWATER DISCHARGE REGULATIONS. Appendix 'A' entitled 'Wastewater Discharge Regulations of the City of Hayward,' attached hereto and by such reference incorporated herein and made a part hereof as though set forth in full, is hereby adopted as the Wastewater Discharge Regulations of the City of Hayward for the purposes stated therein.

SEC. 11-3.401 VARIANCE FROM REGULATIONS. A User may petition the City Council of the City of Hayward for a waiver or mitigation of the requirements of the Wastewater Discharge Regulations if the User anticipates unique or unforeseen inequities or problems in the strict compliance with the Wastewater Discharge Regulations. However, the

City Council shall not approve any waiver or mitigation of the Wastewater Discharge Regulations if such a waiver or mitigation of Wastewater Discharge Regulations would contravene any federal pretreatment regulation, federal categorical discharge standards, or other provision of federal law.

SEC. 11-3.402 SWIMMING POOLS Connection between the municipal sewer system and a swimming pool shall be subject to the following requirements:

When the waste water from a swimming pool is to be disposed of through a public sewer, a four (4) inch cast iron P trap shall be installed on the lower terminus of the building drain and the tail piece from the trap shall extend a minimum of three (3) inches above the finished grade and below the finished floor grade. The connection between the filter waste discharge piping and the P trap shall be made by means of an indirect connection.

Plans and specifications for any deviation from the above manner of installation shall first be approved by the City Engineer before any portion of any such system is installed.

SEC. 11-3.403 UNAUTHORIZED CONNECTION TO PUBLIC SANITARY SEWER SYSTEM. The establishment, use, maintenance, or continuation of a connection to the public sanitary sewer system that has not been approved and permitted in accordance with requirements of this Ordinance is strictly prohibited.

If the City becomes aware of an unauthorized connection to the public sanitary sewer system, the City may require, at its sole discretion, any or all of the following abatement actions:

1. That the discharge to the connection cease immediately or within the time specified by the City.
2. That the unauthorized connection be temporarily or permanently disabled, with a seal or other means approved by the City, within a time specified by the City.
3. That the City be granted access as needed to monitor discharge from the unauthorized connection.

The City may, at its discretion, require that the user of the unauthorized connection pay all costs of collection, treatment, and disposal of estimated wastewater discharged from the unauthorized connection, in rates in effect at the time that the connection is detected, plus a 50 percent surcharge. The City shall determine the estimated quantity of wastewater discharged for purposes of billing.

The user of the unauthorized connection shall also be responsible for costs relating to the detection and abatement of the unauthorized connection, as well as the costs related to any process upset or interference, or discharge in excess of permitted limits from the Water Pollution Control Facility, recoverable through the procedures set forth in sections 11-3.105, et seq.

In the event of subsequent City approval of an application for permit to connect the unauthorized sewer connection, the permit shall be conditioned upon the applicant's payment of double the sewer connection fees and permit fees in effect at the time the connection is conditionally permitted.

SEWER SERVICE CHARGES

SEC. 11-3.450 SEWER SERVICE CHARGES. For the privilege of using the sewage collection and treatment system, the User shall pay periodic service charges to cover the costs of operating and maintaining the sewer collection and treatment system, including replacement. Sewer service charges shall take into account the demands placed on the system by user groups. Sewer service charges shall be adopted from time to time by resolution of the Hayward City Council.

SEC. 11-3.451 BASIS OF CHARGE FOR SEWER SERVICE. Except as hereinafter provided, sewer service charges shall be based on the estimated cost for collecting and treating wastewater discharged into the municipal sewer system and the capital cost of replacing the process elements and facilities of the wastewater treatment plant and the existing sanitary sewer collection system.

The basis for determining the cost for treating and collecting wastewater will be the "service unit" which will be considered for the purpose of this article to be the basic charge for each premises computed on the basis of treating wastewater for the typical single family residence. The unit cost per service unit for sewer service fees shall be as specified from time to time by resolution of the Hayward City Council.

Each standard residential living unit served by an individual water meter whose water consumption for a regular bimonthly billing period is less than eleven hundred (1100) cubic feet but more than five hundred (500) cubic feet shall be charged at the "Economy" rate as determined from time to time by resolution of the City of Hayward.

Each standard residential living unit served by an individual water meter whose water consumption for a regular bimonthly billing period is five hundred (500) cubic feet or less shall be charged at the "Lifeline" rate as determined from time to time by resolution of the City of Hayward.

SEC. 11-3.452 REVIEW OF RATES. The rates for the sewer service charges shall be reviewed each year in preparation for the annual budget by the City Council to assure the collection of sufficient revenue to defray all expenses incurred in the maintenance and operation of the sewage treatment and collection facilities of the City.

SEC. 11-3.453 STANDARD RESIDENTIAL LIVING UNIT. Each standard residential living unit shall be considered as one (1) service unit per month for the purpose of determining the applicable sewer service charge.

SEC. 11-3.454 MULTIPLE RESIDENTIAL LIVING UNIT. Each multiple residential living unit shall be considered as that portion of a service unit per month for the purpose of determining the applicable sewer service charge as may be determined from time to time by resolution of the Hayward City Council.

SEC. 11-3.455 COMMERCIAL AND INDUSTRIAL UNIT. The service units for commercial and industrial premises shall be based on categories of usage with similar treatment costs and grouped into User Classification Codes. The categories of usage, user classification codes, and service units to be applied per month for the purpose of determining the applicable sewer

service charges shall be those as determined from time to time by resolution of the Hayward City Council.

Sewer service charges for commercial and industrial users defined as "Unclassified Users" in Appendix A, Wastewater Discharge Regulations, shall be based on measured discharges of wastewater, carbonaceous biochemical oxygen demand, and suspended solids. Frequency of monitoring shall be determined by the City.

SEC. 11-3.456 MOBILE HOME UNIT. Each mobile home unit shall be considered as that portion of a service unit per month for the purposes of determining the applicable sewer service charge as may be determined from time to time by resolution of the Hayward City Council.

SEC. 11-3.457 SEWER SERVICE CHARGE. BILLING. Each sewer service charge shall become due and payable to and at the Revenue Division of the Finance Department on the date stated in the bill for payment thereof and shall become delinquent on the 15th day after said stated date.

All bills for such fees shall be issued by the Revenue Division. They shall be combined with bills or statements for water service rendered by the Municipal Water System in all cases where the premise in question is connected to the Municipal Water System. The bills shall state their purpose (water and sewer service), shall give the name and last known address of the Person responsible for payment, and shall list separately the fee for water service and the total fee for both services. Neither fee may be paid separately from the other. If a premise with sewer service is not connected with the Municipal Water System, a separate bill shall be rendered for sewer service only.

SEC. 11-3.458 PERSONS RESPONSIBLE FOR PAYMENT. In the case of any person whose premise is connected with the Municipal Water System, the person responsible for payment shall be that person who requested such connection to the Municipal Water System, the successor in interest, or any person, persons or legal entity requesting that such bill be charged to them.

In the case of any person whose premise is not connected to the Municipal Water System, the person responsible for payment shall be that person who requested the connection to the Municipal Sewer System, the successor in interest, or if no such request is made, then to the owner of record of such premise on the date on which such premise is required hereby to connect to the Municipal Sewer System, the successor in interest to such person, or any person, persons or legal entity requesting that such bill be charged to them.

SEC. 11-3.459 SEWER SERVICE CHARGE. LIEN. Each sewer service charge levied by or pursuant to this Article on any premise within the City limits is hereby made a lien upon such premise and any steps authorized by law may be taken by the City to enforce payment of such lien.

SEC. 11-3.460 DISCONNECTION OF SERVICE. In each case where any bill for both water service and sewer service remains unpaid for fifteen (15) days after the date stated in such bill for payment, such bill shall become delinquent and the Director of Public Works shall disconnect the premise from the Municipal Water System. The Director of Public Works may also

disconnect the premise from the Municipal Sewer System. Such action will be taken in accordance with noticing requirements of the State of California Public Utilities Commission.

Whenever a premise has been disconnected from either the Municipal Water System or the Municipal Sewer System for non-payment of water or sewer service fees, such premise shall not be reconnected to either the Municipal Water System or the Municipal Sewer System until all delinquent fees and penalties have been paid, together with such reasonable charges for reconnection as may be ordered from time to time by the City Council by resolution duly adopted, or until payment arrangements have been approved by the Revenue Manager.

SEWER MAIN EXTENSIONS

SEC. 11-3.500 EXTENSION OF SEWER MAIN FACILITIES. Sewer main facilities may be extended by an applicant in accordance with plans and specifications approved by the City Engineer. The applicant shall deposit an amount which when added to any previous deposits on the same application is equal to all estimated inspection costs. Engineering costs plus an administrative charge equal to three percent (3%) of the total cost of installation shall be deposited before applicant begins such work.

SEC. 11-3.501 PARCEL FRONTAGE EXTENSION FOR SEWER MAINS. Where a main is to be extended to serve a parcel, said main shall extend the full frontage of said parcel unless it is determined by the City Engineer that the main is not likely to be extended to serve any other property.

SEC. 11-3.502 MINIMUM SIZE OF SEWER MAIN. The inside diameter of every sewer main to be installed shall be not less than eight (8) inches except as may be determined by the City Engineer.

SEC. 11-3.503 APPLICANT TO FILE SURETY BOND. In the event the applicant installs sewer main extension facilities, the applicant shall furnish the City of Hayward a surety company bond in an amount equal to at least one-half of the City Engineer's estimate of the installation costs to guarantee faithful performance by the applicant, and a surety company bond in an equal amount to guarantee claims of persons employed by applicant and claims of persons who furnish materials, supplies and implements used by applicant on such work.

SEC. 11-3.504 SEWER MAIN EXTENSION FACILITIES - BILL OF SALE. When sewer main extension facilities are installed and upon the execution and delivery by applicant of a good and sufficient bill of sale of said facilities to the City of Hayward, sewer service shall be furnished to applicant's property.

SEC. 11-3.505 BENEFIT DISTRICT - SEWER MAIN EXTENSIONS. Upon recommendation by the City Engineer that a sewer main extension may benefit not only the property being served initially but also other property, the City Council may adopt a resolution to initiate proceedings to form a "local improvement benefit district." Such proceedings shall be implemented in strict accordance with Chapter 8, Article 16, of the Hayward Municipal Code."

Section 2. EFFECTIVE DATE. This ordinance shall become effective 30 days from the date of its adoption.

Section 3. SEVERANCE. Should any portion of this ordinance be declared by court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not effect the validity of the remainder of the ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance absent the excised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward,
held the ____ day of ____, 2003, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _
____ day of _____, 2003, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward